



Docket Number: 4121 . CN1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #7

Art Unit : 122  
Examiner : W. Teoli  
Applicant(s) : M.I. Amin et al.  
Serial Number : 898,676  
Filed : 21 August 1986  
For : CRYSTALLINE CEPHALOSPORIN HYDROHALIDE SALTS

Commissioner of Patents and Trademarks  
Washington, DC 20231

REPLY UNDER 37 CFR 1.111

Sir:

This response is in reply to the Office Action dated 29 April 1987.

REMARKS

Reconsideration of this application is requested.

Claims 1-3 and 5-14 are pending in this application.

Claims 5-7 and 12 have been withdrawn from consideration.

Claims 1-3, 8-11 and 13-14 have been rejected.

The following additional references have come to the Applicant's attention since the filing of the information disclosure statement: (Copies of these references are attached.)

U.S. Patent 4,624,948 (Durckheimer) discloses anhydrous crystalline cefazidim; and

European Patent Application 0 222 577 discloses a crystalline (7R)-7-amino-3-(1'pyridiniummethyl-3-cephem-4-carboxylate monohydrate intermediate.

Applicant believes that the present invention is patentable over the above references for the same reasons given below.

Restriction to one of the following invention is required under 35 USC 121: I. Claims 1-3, 8-11 and 13-14 drawn to crystalline cephalosporin compounds, compositions and method; II. Claims 5-7 and 12 drawn to a process for making group I compounds. According to the Examiner, the product as claimed can be made by a materially different process such as the process of Yang.

During a telephone conversation with Mr. S.B. Williams on 10 March 1987, a provisional election was made with traverse to prosecute the invention of group